

PATENT  
Serial No. 10/511,369  
Appeal Brief in Reply to the Final Office Action of June 5, 2009  
and the Advisory Action of August 18, 2009

REMARKS

This Amendment is being filed in response to the Final Office Action mailed on June 5, 2004, and the Advisory Action of August 18, 2009, which have been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-11 and 13-25 are pending in this application, where claim 12 has been canceled without prejudice and claims 21-25 have been currently added. Claims 1, 4, 11, 14, 18 and 20 are independent.

In the Final Office Action, claims 1-20 are rejected under 35 U.S.C. §101 as allegedly directed to non-statutory subject matter. This rejection is respectfully traversed. However, without agreeing with the position forwarded in the Final Office Action and in the interest of advancing prosecution, independent claims 1, 4, 11, 14, 18 and 20 have been amended to better recite statutory subject matter. It is respectfully submitted that the rejection of claims 1-20 have been overcome. Accordingly, withdrawal of these

objections and rejection is respectfully requested.

In the Final Office Action, claims 1-20 are rejected under 35 U.S.C. §102(b) over WO 99/59139 (Gigi). This rejection is respectfully traversed. It is respectfully submitted that claims 1-11 and 13-25, as amended, are allowable over Gigi for at least the following reasons.

Gigi is directed to speech coding based on determining the noise contribution from a phase change. As described on page 12, line 30, to page 14, line 8, phase values of harmonics are used to estimate the noise value for each harmonic, where "the phase difference is a measure for the presence of the periodic and aperiodic components in the input signal." (Gigi, page 13, lines 6-7) A 'factor of noisiness' is determined by using the phase differences. "In voiced speech (highly period signal) this factor is small or 0, while for a less periodic signal, such as voiced fricatives, the factor of noisiness is significantly higher than 0." (Gigi, page 13, lines 16-18) As specifically recited on page 13, lines 3-6 of Gigi:

If the input signal is periodic or almost

periodic, each harmonic shows a phase difference between successive periods that is small or zero. If the input signal is aperiodic, the phase difference between successive periods for a given harmonic will be random. (Emphasis added)

That is, Gigi uses phase difference between successive periods for a given harmonic.

It is respectfully submitted that Gigi does not disclose or suggest the present invention as recited in independent claim 1, and similarly recited in independent claims 4, 11, 14, 18 and 20 which, amongst other patentable elements, recites (illustrative emphasis provided):

determining a phase-difference ( ) between the speech signal and the first harmonic for centering a windowing function, wherein said phase difference is determined between a phase of a maximum amplitude of said speech signal and a phase zero of the first harmonic where an amplitude of the first harmonic is zero.

Determining a phase difference between a phase of the maximum amplitude of a speech signal and a phase zero of a first harmonic of the speech signal where the amplitude of the first harmonic is zero, is nowhere disclosed or suggested in Gigi. Rather Gigi uses phase difference between successive periods for a given harmonic.

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Accordingly, it is respectfully submitted that independent claims 1, 8, 10, 11, 13 and 16 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-7, 9, 14-16 and 17-19 should also be allowed at least based on their dependence from independent claims 1, 8, 11, 13 and 16.

In addition, Applicant denies any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicant reserves the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

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In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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